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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,788	11/16/2001	Patrice Brisette	38898-0014	7725

7590

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EXAMINER

WANG, LIANG-CHE

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,788

Applicant(s)

BRISSETTE, PATRICE

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 09/13/2005, have been fully considered but they are not persuasive.
3. In that remarks, applicant's argues in substance:
 - a. That: Hessler does not disclose extracting from the frame the associated tandem connection monitoring information for each of the plurality of tandem connection trails having trail termination at the network element prior to processing the tandem connection monitoring information for any of the tandem connection trails having trail terminations at the network element

This is found not persuasive because rejection is provided as follow:
extracting from the frame the associated tandem connection monitoring information (Col 2 lines 65-67, FAS viewed as tandem connection monitoring information contained in N1/N2 bytes of the frame) for each of the plurality of tandem connection trails (Col 2 line 64- Col 3 line 9, FAS must be extracted from the information frame in order for the system to process it; the step of checking FAS corresponds to extracting information from the frame) having trail termination (Col 1 lines 11-16, tandem trails contain trail terminations) at the network element prior to processing the tandem connection monitoring information (FAS must be extracted from the frame prior to processing it) for any

of the tandem connection trails having trail terminations at the network element
(Col 2 line 64- Col 3 line 9). Rejection is maintained by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-8, 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hessler et al., US Patent Number 6,798,748, hereinafter Hessler.
6. Referring to claim 1, Hessler has taught a method for processing tandem connection monitoring information in a synchronous hierarchic network system (abstract lines 1-6, Col 1 lines 11-16), comprising:
- a. receiving at a network element a frame (Col 2 lines 25-30, Col 1 lines 45-53, frames are transmitted from source network element A to sink network element F) containing tandem connection monitoring information (Col 2 lines 65-67, frame alignment signal is viewed as tandem connection monitoring information) associated with a plurality of tandem connection trails having trail terminations at the network element (Abstract lines 1-6, Col 5 lines 20-22, Col 1 lines 11-16, 32-37);

- b. extracting from the frame the associated tandem connection monitoring information (Col 2 lines 65-67, FAS contained in N1/N2 bytes of the frame) for each of the plurality of tandem connection trails (Col 2 line 64- Col 3 line 9, data must be extracted from the information frame in order for the system to process the data) having trail termination (Col 1 lines 11-16, tandem trails contain trail terminations) at the network element prior to processing the tandem connection monitoring information (monitoring data must be extracted prior then processing it) for any of the tandem connection trails having trail terminations at the network element. (Col 2 line 64- Col 3 line 9).
7. Referring to claim 2, Hessler has further taught processing the extracted tandem connection monitoring information associated with the tandem connection trails in parallel (Col 2 line 64 – Col 3 line 2).
8. Referring to claim 3, Hessler has further taught wherein the tandem connection monitoring information associated with each of the tandem connection trails includes trail trace identification information (Col 4 lines 25-33).
9. Referring to claim 6, Hessler has further taught wherein the tandem connection monitoring information associated with each of the tandem connections trails includes status butts carrying information indicating upstream conditions (Col 4 lines 33-43).
10. Referring to claim 7, Hessler has further taught wherein the number of tandem connection monitoring terminations at the network element is from two to six (Col 1 lines 31-38, and Col 2 lines 33-37).

11. Referring to claim 8, Hessler has further taught, wherein the frame includes a plurality of sub-fields each dedicated to carrying tandem connection monitoring information associated with a predetermined tandem connection monitoring trail (Col 1 lines 45-53, figures 7 and 8).
12. Referring to claims 9-12, claims 9-12 encompass the same scope of the invention as that of the claims 1-3, 6, 8. Therefore, claims 9-12 are rejected for the same reason as the claims 1-3, 6, 8.
13. Referring to claims 13-16, claims 13-16 encompass the similar scope of the invention as that of the claims 1-3, 6, 8. Hessler has further taught the step of processing at the network element the first tandem connection monitoring information in parallel with the second tandem connection information (Col 2 lines 33-3, the protection mechanism is based on the result of motoring functions for each of the two sub-network connections). Therefore, claims 13-16 are rejected as anticipated by Hessler.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hessler in views of
Visser, US Patent Number 6,104,702, hereinafter Visser.

Hessler has taught an invention as described in claims 1 and 3, and has taught wherein the trace information is broken up for transmission over a number of successive frames (see figure 2, multiple VC frames).

Hessler has not explicitly taught source access point identifier information identifying a source of the tandem connection monitoring information.

However, Vissers has taught the VC overhead block would contains so called "path trace bytes" which are used to transport an access point identifier which is unique in the network and identifies the source of the path (Col 1 lines 39-42.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the path trace bytes and access point identifier of Vissers in Hessler such that to have Hessler includes a source access point identifier information identifying a source of the tandem connection monitoring information, because both Hessler and Vissers has taught inventions related to VC frames in data transmission between nodes.

A person with ordinary skill in the art would have been motivated to make the modification to Hessler because having the access point identifier would enhanced Hessler's system by identifying the source of the path as taught by Vissers (Col 1 lines 39-42.)

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hessler in views of Abbas et al., US Patent Number 6,577,594, hereinafter Abbas.

Hessler has taught an invention as described in claim 1, Hessler has not explicitly taught the tandem connection trails includes a Bit-Interleaved Parity-8 (BIP-8) code

Art Unit: 2155

computed a the source of each of the tandem connection trails based on payload information in a previously sent frame.

However, Abbas has taught the use of BIP-8 code to be computed at the source based on the previously sent frame (Col 4 lines 6-29).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the BIP-8 code of Abbas in Hessler such that to have Hessler includes a BIP-8 code computed a the source of each of the tandem connection trails based on payload information in a previously send frame, because both Hessler and Abbas has taught inventions related to tandem connections monitoring with VC frames in data transmission between nodes.

A person with ordinary skill in the art would have been motivated to make the modification to Hessler because having BIP-8 code is one of the standards used in the tandem frames as taught by Abbas (Col 4 lines 6-29.)

Conclusion


17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2155

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang 
November 14, 2005


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER